

REMARKS

The Office Action mailed March 23, 2007 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1- 14 were pending in the application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Prior Art Rejections

In the Office Action, claims 1, 3, 4, 5, 7, 9-11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Application Publication 2001-177624 to Fujii Nobuyuki (hereinafter “Fujii”) in view of U.S. Patent 6,898,422 to Bern et al. (hereinafter “Bern”). Claims 2, 6, 8, 12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujii in view of Bern. Applicant respectfully traverses these rejections for at least the following reasons.

The instant invention deals with a memory information backup method and system for cell phones. Specifically, independent claim 1 recites a backup system including “electronic mail having information for instructing to perform backup stored in a header portion”. Independent claim 9 recites a backup system including “electronic mail containing a header portion in which information for instructing to restore is stored”. Independent claim 10 recites a backup method including “electronic mail having a header portion in which information for instructing to perform backup is stored”. Thus, each independent claim recites the ability to store instructions pertaining to the contents of the electronic mail in the header of the electronic mail.

Claims 1, 3, 4, 5, 7, 9-11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujii in view of Bern. As admitted in the outstanding Office Action, Fujii “does not explicitly show backup instructions being in the header portion of the email”. In fact, Fujii does not teach or disclose the ability to store instructions of what to do with the contents of the electronic mail in the header of the electronic mail.

Bern fails to make up for the deficiencies of Fujii as noted. Bern does not contain instructions in the header of an email. Rather, “the user text portion of the SMS message beings with the characters ‘#*’, which in this case is assumed to be an instruction which indicates to the receiving mobile communication station that the subsequent text field is a

notification of a new, received email” (column 7, lines 25-29). Not only does Bern not contain instructions in the header of an email, Bern does not even utilize emails to contain the instructions or notification. Bern uses SMS messages, which are distinct and separate from emails. In fact, the SMS messages of Bern are utilized to notify the user of new emails. Thus, Bern fails to disclose the ability to store instructions pertaining to the contents of the electronic mail in the header of the electronic mail. Thus, even if the teachings of Bern were combined with those of Liang, the features of the instant invention would be lacking.

As shown, neither Fujii nor Bern teaches or discloses all of the features of the independent claim, specifically failing to teach that the ability to store instructions pertaining to contents of the electronic mail in the header of the electronic mail. Thus, Fujii and Bern, either alone or in any combination thereof, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where this feature are disclosed in either Fujii or Bern.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as presented is respectfully requested.

Claims 2, 6, 8, 12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujii in view of Bern. The Examiner takes Official Notice that notification messages and other features of the invention as claimed in the aforementioned dependent claims are obvious modifications that would be readily recognized by a person of ordinary skill in the art. However, it is respectfully submitted transmitting or generating notification means for notifying a notification destination associated with an owner of a corresponding cell phone of information associated with backup processing upon completion of backup or restore of information is not well-known in the art. Thus, this rejection is respectfully traversed. Further, since this feature is not disclosed in either Fujii or Bern, it is respectfully submitted that these claims contain additional features which are patentable over the prior art.

Conclusion

In view of the foregoing remarks, applicant believes that the application is now in condition for allowance. An indication of the same is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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